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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Triumph Intertrade AG		
Entity	Corporation	Citizenship	Switzerland
Address	Triumphweg 6 Bad Zurzach, CH-5330 SWITZERLAND		

Attorney information	Ronald E. Shapiro Shapiro and Silverstein PLLC 11350 Random Hills Road, Suite 740 Fairfax, VA 22030 UNITED STATES rshapiro@sasiplaw.com Phone:703-273-7680
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### Registration Subject to Cancellation

Registration No	4213434	Registration date	09/25/2012
Registrant	Telopea Fashion Pty Ltd. 2B/391 Enmore Road Marrickville, NSW AUSTRALIA		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2010/00/00 First Use In Commerce: 2010/00/00 All goods and services in the class are cancelled, namely: Dresses, tops, shirts, blouses, t-shirts, pants, jumpsuits, one-piece playsuits, one-piece garments for children, skirts, shorts, jackets, coats, cardigans, scarves and swimwear
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel.pdf(897585 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ronald E. Shapiro/
Name	Ronald E. Shapiro

Date	02/22/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TRIUMPH INTERTRADE AG,

Petitioner,

v.

TELOPEA FASHION PTY LTD.,

Respondent.

Cancellation No. \_\_\_\_\_

Registration No. 4213434

Mark: AMORETTE

**PETITION TO CANCEL**

Triumph Intertrade AG (“Petitioner”), a Swiss corporation having a place of business at Triumphweg 6, Bad Zurzach, Switzerland CH-5330, believes that it is being damaged and will continue to be damaged by Registration No. 4213434, issued on September 25, 2012, to Telopea Fashion Pty Ltd. (“Respondent”) for the mark AMORETTE (“Respondent’s Mark”) in connection with dresses, tops, shirts, blouses, t-shirts, pants, jumpsuits, one-piece playsuits, one-piece garments for children, skirts, shorts, jackets, coats, cardigans, scarves and swimwear, in International Class 25. Accordingly, Petitioner files this Petition to Cancel Registration No. 4213434 (“Respondent’s Registration”).

The grounds for this Petition are:

1. Petitioner filed U.S. Trademark Application Serial No. 85802817 (“Petitioner’s Application”) on December 14, 2012 to register the mark AMOURETTE (“Petitioner’s Mark”) in connection with the following goods: clothing for women, namely underwear and nightwear; leisure wear, namely t-shirts, shorts, dresses, skirts; beachwear, namely bikinis, bathrobes,

bathing jackets, bathing costumes; sportswear, namely t-shirts, pants, shirts, shorts, leggings, leotards, sweatsuits and tank tops, sports bras, sports bustiers; caps, ties, suspenders, gloves, hosiery; foundation garments, namely bodices, corsets, corselets, girdles and hip-shaping garments for clothing purposes, suspender belts, panty girdles, roll-on panties, slips, dancing belts, brassieres; footwear.

2. In an office action dated March 30, 2013, the U.S. Patent and Trademark Office refused registration of Petitioner's Mark under Section 2(d) of the Trademark Act, citing Respondent's Registration and alleging a likelihood of confusion between Respondent's Mark and Petitioner's Mark.

3. On September 30, 2013, in response to the office action dated March 30, 2013, Petitioner limited the goods in "Petitioner's Application" to brassieres and panties, and argued that there is no likelihood of confusion between Petitioner's Mark and Respondent's Mark.

4. In an office action dated May 31, 2014, the U.S. Patent and Trademark Office maintained and made final the refusal to register Petitioner's Mark under Section 2(d) of the Trademark Act in view of Respondent's Registration.

5. Petitioner has appealed the final refusal to register Petitioner's Mark, and Petitioner's appeal is pending before the Trademark Trial and Appeal Board.

6. On information and belief, Respondent has not used Respondent's Mark in commerce for more than three years.

7. On information and belief, Respondent has abandoned Respondent's Mark.

8. On information and belief, Respondent has been deregistered by the Australian Securities & Investments Commission and no longer has the right to use Respondent's Mark in commerce.

WHEREFORE, Petitioner believes that it is being damaged and will continue to be damaged by Respondent's Registration and prays that this Petition to Cancel be granted.

Respectfully submitted,

Date: February 22, 2016



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Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was mailed to Respondent on February 22, 2016, by first class mail, postage prepaid, at Respondent's address of record shown below:

Telopea Fashion Pty Ltd.  
2B/391 Enmore Road  
Marrickville, AUSTRALIA NSW

with an additional copy by first class mail, postage prepaid to:

Australian Securities and Investments Commission  
GPO Box 9827  
Sydney NSW 2001  
Australia



Ronald E. Shapiro